

*Petition not printed*

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## **TRANSCRIPT OF RECORD**

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**Supreme Court of the United States**

**OCTOBER TERM, 1942**

**No. 50**

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**HARRY PYLE, PETITIONER,**

*vs.*

**STATE OF KANSAS AND MILTON F. AMRINE,  
WARDEN, KANSAS STATE PENITENTIARY**

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**ON WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE  
OF KANSAS**

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**PETITION FOR CERTIORARI FILED MARCH 20, 1942.**

**CERTIORARI GRANTED APRIL 27, 1942.**



# SUPREME COURT OF THE UNITED STATES

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HARRY PYLE, PETITIONER,

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STATE OF KANSAS AND MILTON F. AMRINE,  
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[fol. 1] **IN THE SUPREME COURT OF KANSAS**

In the Matter of the Application of **HARRY PYLE** for the  
Writ of Habeas Corpus

vs.

**THE STATE OF KANSAS** and **M. F. AMRINE**, Warden, Kansas  
State Penitentiary

**APPLICATION FOR WRIT OF HABEAS CORPUS**

Comes now, your petitioner **Harry Pyle** and alleges that the State of Kansas and **Milton F. Amrine** Warden of the Kansas State Penitentiary is holding your petitioner to involuntary servitude without authority, and that the cause or pretense of cause is a mittimus or commitment issued by the District Court of Stafford County, Kansas showing your petitioner was charged with the crime of murder and robbery, all of which your petitioner alleges was issued by the trial Court without lawful jurisdiction or due process of law. Your petitioner was never lawfully tried or found guilty after the prescribed procedure of the law of the land, and that his imprisonment is null, void, and without lawful force, for the following reasons: viz:

1

The records shows that your petitioner is not guilty of murder or robbery, or any part thereof as charged in the information.

2

The records show that evidence and testimony following the petitioners trial was pertinent and definitely proved that said state of Kansas did knowingly and prejudicially introduced evidence contrary to evidence introduced in the trial of other persons charged with the same offense as your petitioner. Such testimony contended to be by the state to be competent and true.

3

Your petitioner contends that all, each and every, right, privilege immunity provided for under the constitution of the United States has been denied by want of due process of law, and that the petitioner can by record change the

verdict rendered under such evidence and testimony introduced by the State of Kansas knowing same to be perjured and repressed.

[fol. 2]

Your petitioner contends that he has resorted to every remedy available under Kansas law, to bring such records within such remedies of the State and that Redress has been denied as timely appeal had expired when such records and evidence was recorded.

Records shows that petitioner timely appeal proceed the trial within the evidence and testimony could not be had and therefore such evidence materially brings the pertinent facts under due process of law, whereas such facts for the same crime were contrary and different to that of your petitioner, that he is now being deprived or redress to show that his imprisonment was procured by want of due process of law.

Your petitioner is not guilty of any crime as charged in the information.

Therefore: Your petitioner respectfully moves and prays that the Honorable Court will let issue upon the respondent Milton F. Amrine, Warden of the Kansas State Penitentiary, the prerogative Writ of Habeas Corpus, that your petitioner may come forth and show to the Court that your petitioner is being unlawfully immured in the Kansas State Penitentiary so that he may be restored to his liberty.

Harry Pyle, Petitioner, In Forma Pauperis.

Witness my hand and seal this — day of —, A. D. 194—. — —, Notary Public. My commission expires as a notary public on the — day of —, A. D. 194—.



[fol. 3] IN THE SUPREME COURT OF KANSAS

[Title omitted]

**AFFIDAVIT FOR WAIVER**

Comes now, Harry Pyle, your petitioner of the above entitled cause and avers that it is his belief and opinion, that The District Court of Leavenworth County, Kansas is unreasonable prejudice- and biased in its reviewal of proceedings in Habeas Corpus and that the said District Court has declined, prior this application, to review.

Therefore: Your affiant alleges that he be allowed to waive the Court of Current Jurisdiction and proceed to the Supreme Court of Kansas, in the forma pauperis.

Harry Pyle, Affiant and Petitioner.

Witness my hand and seal this — day of —, A. D. 194—. — —, Notary Public. My commission expires as a notary public on the — day of —, A. D. 194—.

[fols. 4-6] IN THE SUPREME COURT OF KANSAS

[Title omitted]

**AFFIDAVIT IN FORMA PAUPERIS**

I, Harry Pyle being of lawful age, do upon oath, most solemnly aver that I was born of American parents at Stockton, Cedar County, State of Missouri, on the 5th day of November 1881, and that I have since the date of my birth resided in the State of Kansas and the United States of America and that I am now and always have been a citizen of the United States.

I, the said Harry Pyle do solemnly aver that I own no property, personal or real what ever, and I do not possess any funds or other resource with which to pay my attorney fees, Court Costs, Printing Costs, or any obligations ordinarily incurred by those who must resort to legal process in pursuit of justice.

Therefore, I respectfully contend that I am of that class of person by the common law, the Statute laws of the State of Kansas and of the United States, Define as a pauper, wherefore, I respectfully pray for the leave of the Court to

prosecute an application for the writ of Habeas Corpus.

Respectfully Submitted, Harry Pyle, Affiant.

Witness my hand and seal this — day of —, A. D. 1940. — —, Notary Public. My commission expires as a notary public on the — day of —, A. D. 194—.

[fol. 7] IN THE SUPREME COURT OF KANSAS

[Title omitted]

### PETITIONER'S BRIEF

Comes Now, Your petitioner of the above entitled cause to the above styled Court, who respectfully represents and shows by record that he is now being deprived of any and all rights coming within the concepts of universal justice and fundamental principles of "Due Process of Law," violative of the 14th Amendment of the United States' Constitution.

Your petitioner respectfully contends that his conviction and commitment was procured through the reckless contrivance of the District Court of Stafford County, Kansas, by such methods as was foreign to the prescribed procedure of both State and the constitution of the United States.

Your petitioner respectfully contends that he was not found guilty by evidence submitted or introduced, but by such manufactured and prepared evidence and testimony introduced by the State, knowing full well that same was suborn.

Mooney v. Holohan, 294, U. S., 103; the Court said:

"The 'Due Process' clause of the 14th Amendment governs any action of a State through its Legislature, its Courts, or its Executive officers, including action through its prosecuting officers.

"A criminal conviction procured by the State prosecuting authorities solely by the use of perjured testimony, known by them to be perjured, and knowingly used by them in order to procure a conviction, is without 'Due Process of Law' and in violation of the 14th Amendment."

Your petitioner contends that he can show by pertinent records that the State did use evidence and testimony co-



erced and perjured, knowingly by the prosecuting officers, and that his guilt has never been proven beyond a reasonable doubt by evidence, but by testimony coerced by the State.

[fol. 8]

#### EVIDENCE AND TESTIMONY

Your petitioner respectfully contends that such evidence introduced at the petitioner's trial had no bearing upon the offense, but that such evidence under pretense of the State was by adducement and inference went beyond the precepts of the Jury and had no material bearing upon the crime.

Your petitioner respectfully contends that the Stafford County Court records show that a new, separate and distinct set of facts, evidence and testimony in the trial of Merle Hudson, held to be bona fide and accepted as true by the jury verdict, testimony which was then and is now requisite in the petitioner's defense and trial record.

Mooney v. Holohan, 294 U. S. 103; the Court said:

Par. II. "It is the duty of every state to provide corrective judicial process for the relief of prisoners convicted and imprisoned for crime without 'DUE PROCESS OF LAW' and it is to be presumed that this duty has been complied with."

Your petitioner contends that this has not been complied with in his case as he has been deprived of the right to bring such records from the trial court of Stafford County of the Merle Hudson trial, wherein new evidence, new testimony materially changed the petitioner's circumstances.

Your petitioner respectfully contends that after his appeal into the Supreme Court of Kansas, that new records and new testimony bearing upon the cause of your petitioner has been recorded and that said records, evidence and testimony was and should have been obtained for his defense. Your petitioner contends that his conviction resulted from prima facie evidence and suppressed testimony, all of which witnesses were coerced and threatened.

#### COERCION AND THREAT

Your petitioner respectfully contends that one Truman Reynolds was coerced and threatened by the State to testify falsely against the petitioner and that said testimony did harm to the petitioner's defense.

[fol. 9] One Lacy Cunningham who had been previously committed to a mental institution was threatened with prosecution if he did not testify for the State.

One witness for the defense was threatened before he had signed a statement, then stood on what Mr. Riley contended was his right. Mr. Riley's testimony was repressed under threat and coercion by the State of Kansas; all of which the records show. Your petitioner respectfully contends such justice under the law resulted in a travesty of justice and that he is entitled to resort to all, each and every record material in his defense, regardless to what effect the records may have on his case to prove his cause, all of which the petitioner has been denied. See: *In re: Mayfield*, 141 U. S. 116, and *Franks v. Mangum*, 237 U. S. 309; the Court said:

"This court may look to the judgment under which petitioner is detained; to ascertain whether it is absolutely void for want of jurisdiction in the court that pronounced it; and so doing, the court issuing the Writ, may look beyond forms and inquire into the very substance of the matter to the extent of deciding whether the petitioner has been deprived of his liberty without 'DUE PROCESS OF LAW,' and for this purpose may inquire into jurisdictional facts, whether they appear on the record or not."

See also: *In re: Neilson*, 131 U. S. 176, *Ex Parte Nelson*, 114 U. S. 417:

Your petitioner challenges the authority of the Supreme Court of Kansas in denying the petitioner his right to such redress, however de facto records compiled by testimony by the District Court of Stafford County, Kansas show by two separate state of facts, that Kansas has by ruthless methods, contrary to the very essence of justice, either convicted one guilty man; your petitioner, or convicted two guilty men for the same crime on two separate state of facts. The petitioner contends that the Hudson trial records proven by every question of fact that your petitioner was not guilty to any degree of the crime charged in the Information.

In *Mooney v. Holohan*, 294, U. S. 103; the Court said:

"It is the duty of every state to provide corrective judicial process."

[fol. 10] Your petitioner respectfully contends that in his case the State of Kansas does not provide any remedy or process, that may be brought before the Court as evidence to correct the errors of the State or its officers and agents.

Your petitioner contends that after his appeal to the Kansas Supreme Court that pertinent facts, evidence and testimony for the same offense which your petitioner was unlawfully convicted, has been introduced in a trial, in the same Court and such records has a material and significant bearing to warrant a new trial or consideration by the State of Kansas, all of which has been denied.

#### RIGHT OF DEFENSE

Your petitioner contends that it is his Constitutional right to resort to any and all evidence, testimony and records which have such bearing on his conviction to secure justice and that a constitutional right prevails where such records conflict with the provisions of 'DUE PROCESS OF LAW,' irrespective of what may have proceeded, but may go back to such records for his defense which were written and recorded, after timely appeal had been executed; whereas such records are relevant and material and to which records the contents therein fully show the replication to the case of Pyle v. State of Kansas.

Your petitioner contends that the records of the District Court of Stafford County, Kansas, did convict one Merle Hudson, and Wilbur Stover, State witness who pleaded for the crime of Murder and robbery as charged in the information; wherein said records reveal that a new set of facts, new evidence adduced, and that such facts absolved any and all guilt of the petitioner of any degree of crime or connection therewith.

See: Brooks v. Missouri; 124, W. S. 394.

#### CIRCUMSTANTIAL EVIDENCE

Your petitioner respectfully contends that his convictions resulted by **CIRCUMSTANTIAL EVIDENCE**, suppression of witnesses and state perjured testimony, and that now since truth and pertinent facts have been established by Court of record, and that such facts and truth established by record, contrary to the *the* prima facie evidence [fols. 11-12] surrounding your petitioner should be reviewed, and your petitioner discharged in that proper re-

dress has been denied and the laws of the State of Kansas does not provide any remedies.

### NOT GUILTY

Your petitioner respectfully contends that he is not guilty of any crime as charged in the information as records show that such was impossible.

Respectfully Submitted, Harry Pyle (Petitioner, per se).

[fol. 13]. IN THE SUPREME COURT OF KANSAS

[Title omitted]

### Petitioners Abstract

Comes now, your petitioner of the above entitled cause to the above styled Court and abstracts such errors and facts surrounding his trial and delayed facts that are material and revelant in the case at bar, a case wherein the petitioner contends that material testimony was suppressed by the State, and wherein the State of Kansas knowingly moved against your petitioner with suborn testimony, and shifting the burden of proof to your petitioner.

Your petitioner, further contends that belated evidence and facts, changed your petitioners situation; such evidence and testimony pertinent in his defense, brought before the Court of Stafford County, Kansas in the trial of Merl Hudson: A set of facts contrary to the facts set up in the trial of your petitioner and testimony collaberating his innocence. Your petitioner living with his son in the City of Hutchinson, Kansas and being unfamiliar with his son's environment or associates, being ignorant of any premeditating of any murder or robbery was arrested for murder and robbery as charged in the information. Testimony shown the positive whereabouts of the petitioner when the crime was committed over 50 miles from the place of the crime with a man who was exonerated from any connection.

The State and Court has held, presumiable, that the father is guilty of having knowledge of his son's acts or actions, also it appears, presumptiously, that the laws of the State of Kansas makes the father responsible for his son's acts. The petitioner feels the blunt of assumption



prevailed upon by circumstantial evidence, that he was the keeper of his matured son, that because he invited a guest for a turkey dinner, and because he was kept from testifying about a telegram. Does not evidence beyond a reasonable doubt support a verdict?

[fol. 14]

#### EVIDENCE

The records show that the petitioner in the case of Pyle v. The State of Kansas was more than 50 miles distant from the scene of crime, and that it was impossible for the State to construct or connect the petitioner with any evidence or testimony surrounding the brutal slaying.

The State in its failure to prove that the petitioner participated in the crime also failed to prove that the petitioner conspired with the actual offenders. The records show that the state used every method beyond the principles of Justice, by bringing prejudicial statements by testimony before the Jury. It went further by introducing and suppressing testimony for the petitioner, Mr. Roy Riley who stood on his purported constitutional rights as a witness, and who had signed a statement prior to the time of trial, who was intimidated and coerced by the State to make this statement, who had a damage suit instituted against the officers of Stafford County, Kansas, and whose wife had been intimidated by the Stafford County, Kansas officers. The testimony of Mr. Roy Riley was material in the petitioners defense.

The Courts transcript of testimony not only shows the cruel intimidation of Mrs. Roy Riley and Mrs. Thelma Richardson but suppressed their testimony.

Mr. O. W. Lomax a member of the State Highway patrol was never subpoenaed for the trial to testify in the petitioner behalf. Testimony material in the petitioners defense. Mr. Lomax, advocated brutal torture to extract a confession from the petitioner.

The State introduced unqualified testimony of one A. C. Keith, professional witness for the State, claiming that he took chemistry in a Texas Agricultural College. Some experience in classifying blood, later, this testimony proved the Mr. A. C. Keith was a local milk tester at Topeka, Kansas and that he never qualified either as a blood analyst or a milk tester.

One Lacy Cunningham a mental patient testified under duress and intimidation by threats of connecting him with

the crime. A telegram to Lacy Cunningham, an invitation to Christmas dinner was the only connection or as near as the State placed the petitioner in the crime of murder. Yet the State failed to prove that there had been any conspiring on the part of the petitioner. Nearly every witness for the defense or petitioner was by coercion, threats and intimidation, refused to wilfully testify to the truth, but acknowledges that they were mistreated.

[fol. 15]

### VERDICT

A verdict of guilty was brought in after the Court changed its instruction and reversed the charges to confuse the jury after two days of deliberation, giving further instruction to thwart a fair deliberation of which resulted in a partial threat to the Jury.

Your petitioner prevails upon the record of his trial record to disclose the very want of fairness in the trial and the very absence of evidence to connect him with the murder or robbery.

Yet the State has never proven beyond a reasonable doubt that the petitioner is guilty of any crime, but holds the petitioner, the father of one responsible offender, responsible for the acts of his matured son.

The spirit of justice universally requires that reasonable doubt be nil, and truth must prevail beyond that doubt in preponderance of facts.

Facts cease to exist when truth is established and rudimentary justice prevails upon truth beyond a reasonable doubt, and when it is, justice in its fundamental concepts has been exercised.

Altho your petitioner contends that in the States efforts to prosecute, it mattered little to whom the results involved, but a conviction, innocent or guilty, must be had to quiet the clamor of the people for a solution to the crime.

Your petitioner appealed to the Court of last resort in the State, *Pyie V. Kansas* —K—, a decision rendered against your petitioner. After the case had been appealed and decided about 6 months prior the trial of one Merl Hudson and upon his Court record shows he was convicted for the same crimes of robbery and murder as that of your petitioner. These records of the trial of Merl Hudson, of which your petitioner has been unable to secure or obtain, him being a pauper.



But your petitioner alleges and has cause to allege that said records set forth new evidence, new facts and new causes to be heard, which was during this trial, and is now vital to his defense, and which shows conclusively that your petitioner is not guilty of any crime or a participant thereto.

[fol. 16]

#### WHAT RECORDS WILL SHOW

The trial records of Merl Hudson, will show that Merl Hudson, Wilber Stover (pleaded guilty) and B. A. Pyle, (testified for the State who had previously been found guilty) plotted and plan-ed the robbery and murder, and that your petitioner had no connection with the crime at any time. The records will show Mrs. Hudson, wife of Merl Hudson delivered B. A. Pyle to a place west of the Arkansas river, west of the city of Hutchinson, Kansas. The records will show that 3 men committed the crime of robbery and murder at the Reiter farm. The State arrested several persons for the crime, eight persons were charged with the actual crime, three persons, Mrs. Hudson, B. A. Pyle and Wilber Stover, having actual knowledge of the crime, submitted testimony in and for the State and that said testimony and evidence did not collaborate with that introduced in your petitioners trial.

The records will show by actual testimony acknowledged by the state to be true, that the persons testifying for the State and helping the State to clearly establish the guilt, gave upon sworn oath, testimony that your petitioner was innocent, exonerated him of any and all knowledge of the crime of the Reiter murder or robbery.

It becomes the belief of the petitioner, records and testimony will bring about Justice, and he believes and alleges that is the duty of the State of Kansas and the Courts thereof to review these records, and return the petitioner to his lawful liberty. It is further the duty of the States Court, it be that of the United States Supreme Court, to go behind and beyond, review every pertinent fact and to what connection the records may have, and to what material testimony may reveal, then remedy the situation if it appears that there has been a travesty or miscarriage of justice. Which the State has no remedy, nor has it been interested in justice to review every record to fully determine if justice had been met.

Your petitioner contends that if the crime was committed

it was the duty of the State to prosecute to full extent of the law, but, it also is the duty of the State to make such prosecution applicable to the guilty only.

[fol. 17] Your petitioner alleges that he had exhausted his right in appeal for executive clemency, but to no avail. Therefore, the State has no further remedy for the petition other than proceedings in Habeas Corpus.

Your petitioner alleges and contends it is the duty of the Court in and for the name of Justice, to call forth the records and transcript of testimony in the case of Merl Hudson and that of your petitioner and ascertain beyond every doubt the guilt of your petitioner.

Your petitioner abstract is true in every detail to the best of his knowledge.

Respectfully submitted, Harry Pyle, Per Se.

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[fol. 18] IN THE SUPREME COURT OF KANSAS

[Title omitted]

MOTION FOR APPOINTMENT OF COUNSEL

Comes now your petitioner of the above intitled cause and moves the Court to appoint counsel for petitioner's defense.

Respectfully submitted, Harry Pyle, Petitioner,  
Pro Se.

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[fol. 19] IN THE SUPREME COURT OF KANSAS

[Title omitted]

MOTION FOR SUBPOENA DUCES TECUM

Comes now, Harry Pyle your petitioner of the above intitled cause and moves the above styled Court to let issue upon the District Court of Stafford County, Kansas, a subpoena directed to that Court that the records of testimony of Merl Hudson Case, State V. Merl Hudson, evidence and testimony which are material and all of which was not available at the trial of your petitioner which occurred May 16-20, 1935. The records as recorded in Merl Hudson's case

(Kansas vs. Merl Hudson) was (on or about) October 12, 1936, to be brought forth for judicial examination to review such evidence and facts which surrounded the crime of which your petitioner was charged.

And further:

Your petitioner moves the Hon. Court to let issue a subpoena upon the District Court of Stafford County, Kansas and direct that the records of transcript of the Bert (Bud) Richardson trial be brought before the Court, that it also may be examined. Your petitioner alleges that testimony so introduced, is a material and integral part of your petitioner defense, trial date on or about June 1st 1935.

Therefore: your petitioner urges and prays that said records be brought forth for judicial examination to prove that your petitioner is innocent and has been fully exonerated of an act or participation in the crime.

Harry Pyle, Movant, Per Se.

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[fol. 20] IN THE SUPREME COURT OF KANSAS

[Title omitted]

MOTION TO SUMMONS PETITIONER

Comes now Harry Pyle and moves the Court to summons your petitioner in Court for the hearing of the above intitled cause, that he may put in his defense to the above intitled action, and lawfully show to the Court his unlawful restraint by the State of Kansas and Milton F. Amrine, Warden of the Kansas State Penitentiary.

Harry Pyle, Movant, Pro. Se.

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[fol. 21] IN THE SUPREME COURT OF KANSAS

[Title omitted]

MOTION TO SUBPOENA WITNESSES

Comes now, Harry Pyle, your petitioner and moves the court to summons into that court the following Witness, Material in the defense of petitioner of the above entitled cause.

Name	Address	City	State
Mr. Roy Riley,	409-S. Boston St.,	Stafford,	Kansas
Mr. C. W. Slifer		St. John,	Kansas
Mr. Walter Bullock		Dodge City,	Kansas
Mr. Burt "Bud" Richardson		Dodge City,	Kansas
Mr. Arthur Snyder,	American Ntl. Bank,	Hutchinson,	Kansas

Respectfully Submitted, Harry Pyle, Pro Se.

[fol. 22]

EXHIBIT "A"

IN SUPREME COURT OF KANSAS

STATEMENT OF ARTHUR SNYDER

I, Arthur Snyder, State that I am practicing attorney with office at 206-208 American National Bank Building, Hutchinson, Kansas.

That at the time of the Reiter Murder near Hudson, Kansas and after Harry Pyle had been placed under arrest, I was employed to go to St. John, Kansas and inform Harry Pyle that if he desired, I would act in his behalf in such preliminary matters as he saw fit for me to represent him, and that if he desired to confer with anybody that he should get in touch with me.

Within a few days time I saw in the Hutchinson paper that Harry Pyle was being held at the Kansas State Reformatory in the City of Hutchinson, and in view of my employment I felt that I should contact him at the Reformatory; that I called at the Reformatory, identified myself and explained my mission and requested that I be permitted to see Harry Pyle; that I was then referred to a man by the name of Stone of the State Highway Police, and I spoke to him over the phone and he stated in substance that it would be impossible for me to speak with Harry Pyle at that time and he did not know when it would be possible for me to confer with Harry Pyle. After some discussion he promised me that if I would call at the Chalmers Hotel Sunday morning, which I believe was the following day after the conversation, at about 11:00, that he would then permit me to talk to Harry Pyle. That morning I called Mr. Stone and was unable to reach him, and I talked

to some person who advised me that was nothing that could be done and that I would be unable to see Mr. Pyle. As I remember it, the following day, Monday, I drew a proceedings in Habeas Corpus and the Hon. J. H. Gomers issued the order to have Mr. Pyle brought into the court, and the only person who appeared was Superintendent Noah Wiggins who stated that Mr. Pyle was not in his custody or at the Reformatory; that Mr. Pyle had been there but had been taken from there to some other point which he was unable to designate.

I then went to St. John and saw the Hon. Judge Beals and asked him to issue a writ, and he told me to contact Sheriff Welch and that he thought the writ would be unnecessary, so I then proceeded to the Sheriff's office in St. John, Kansas and saw the deputy or undersheriff and explained to him my mission. He finally told me that Sheriff Welch had gone to Kinsley (this is being intirely from memory and may be in error) and that if I would wait Mr. Pyle would be brought in, within an hour or less Mr. Pyle was brought into the Sheriff's office at St. John and there I saw him. His face and body showed bruises and I asked him what had happened and he told me he had fallen out of bed, and upon being further questioned he Told me that he [fol. 23] had been beaten at the Reformatory, or if Mr. Pyle did not tell me this, some one did, but my memory is to the effect that it was told to me by Mr. Harry Pyle.

I was continually discouraged in this case by the various officials that I had to see, and mainly the manner in which I had been treated caused me to believe that Harry Pyle was entitled to have a fight made for him.

There were some officers who where making investigations in this case who were very fair, but there were others, whose names I cannot recall; that were rather abusive in their manner and attitude toward me.

I did not Know Mr. Stone personally at the time I talked to him over the phone.

This statement is made purely from attempt to recollect the matters herein set out for memory and that the days and dates mentioned herein may be wrong, but this can be ascertained from the records as to the proceedings in the Reno County Court.

I believe then, and I believe now that Harry Pyle was and is entirely innocent of the crime for which he was con-



victed. I would be willing to appear before any board — set forth my reasons and argument why Harry Pyle is not guilty, although adjudged guilty of this crime.

(Signed) Arthur H. Snyder.

Subscribed and sworn to before me, a notary public in and for Reno County, Kansas, this 15th day of November, 1940. (Signed) Lucile Walsten, Notary Public. My Commission Expires March 22, 1944.

[fol. 24]

EXHIBIT "B"

IN SUPREME COURT OF KANSAS

Law Office of Arthur H. Snyder, 206-208 American National Bank Building, Hutchinson, Kansas

November 15, 1940.

Mr. Harry Pyle, Box 2, Lansing, Kansas.

DEAR MR. PYLE:

Received your letter, and I can appear in the Federal Courts. You have done nothing to aggravate me, and enclosed you will find the Statement made by me, only at this time it will be sworn to before a notary. I would appreciate your returning the original statement sent you. Wishing you the best of success, I remain

Very truly yours, (Signed) Arthur H. Snyder.

AHS:W. Enc.

Copy of Original Letter.

[fol. 25]

EXHIBIT "C"

IN SUPREME COURT OF KANSAS

"AFFIDAVIT"

STATE OF KANSAS,

County of Leavenworth, ss:

Comes now, Truman Reynolds, being of lawful age and swears on oath that he has made the following statement and that it is true so (Help me God).



I wish to correct the false statements that I made against "Harry Pyle" at his trial in St. John, Kansas in 1935, I am th-roughly convinced "Harry Pyle" was unjustly convicted and I feel that I am responsible for his conviction.

I was forced to give perjured testimony against "Harry Pyle" under threat by local authorities at St. John, Kansas and the Kansas State Police, of a penitentiary sentence for burglary if I did not testify against Mr. Pyle.

Those statements that I made against "Harry Pyle" are entirely and th-roughly false.

Mr. Pyle has never approached me at any time to commit or help to commit any unlawful act.

The affiant sayeth further not.

(Signed) Truman Reynolds, Affiant.

STATE OF KANSAS,

County of Leavenworth, ss:

I, Truman Reynolds after being sworn before a notary public state that I have made the foregoing statement of my own free will because I feel that I have done Mr. Harry Pyle a great wrong and if this statement will help him I will be greatly pleased.

(Signed) Truman Reynolds, Affiant.

Subscribed and sworn to before me this 9 day of Dec.

A. D. 1940. R. D. Payne, Notary Public. My commission expires as notary public on the 18 day of April A. D. 1941.

I, Harry Pyle after being swron disposes and says that the foregoing statement is a true copy of the original.

Harry Pyle.

Subscribed and sworn to before me this 11 day of Dec. A. D. 1940. R. D. Payne, Notary Public. My commission expires Apr. 18 A. D. 1941. (Seal.)

[fol. 26]

# EXHIBIT "D"

IN SUPREME COURT OF KANSAS

C. W. SLIFER, ATTORNEY-AT-LAW, ST. JOHN, KANSAS

February 28, 1941

Mr. Harry Pyle, Lansing, Kansas

DEAR SIR: I have your letter dated Feb. 24, 1941 relative to your conviction of murder and Robbery in this County.

I have reviewed this case to a considerable extent to refresh my memory. One thing is now established beyond any doubt—you took no actual part in this terrible tragedy. If you took no actual part in this crime or crimes, then the only remaining way by which you could have been convicted of murder and robbery would be as an accessory before the fact, or in other words that you helped to plan this whole matter.

I never was satisfied with the evidence against you. You no doubt have been a victim of passion and prejudice. You were convicted when the feeling was at its height in this case. Every move you made during times immediately involved was twisted around to make it appear that you actually took part in planning this whole affair, and the conclusion that you actually participated in the crimes. No doubt you knew from Cunningham that Reiters had bonds or money or that it was commonly known that they did. Assuming that you did know or learn or had information of this fact, yet that would not make you guilty of anything wrong. The evidence of the State was mostly circumstantial, and the circumstances were such that no logical conclusion could be drawn from them that you planned this whole thing or helped to plan it, or that you must have participated in it.

It was the duty of the State to prove you guilty beyond a reasonable doubt. The evidence produced at the trial did not do that in my opinion, regardless of the fact that the jury found you guilty. Mistakes are made by juries as by persons. Your conviction was a grave mistake. I do not wish to be critical of the conduct of your case, but I feel that if you had taken the witness stand and explained those telegrams etc., you may have come clear. However, it may have proved otherwise had you testified. If a man is really innocent of all connections with a crime, he can usually explain his acts and conduct. This, together with other evidence he surely would have made a good defense. However, all of this is in the past. Maybe the best thing was done for you that could have been done at the trial. The thing now to be done and should be done since the conviction of Murl Hudson is to release you by any method or manner permitted by law in such cases made and provided.

It is not for me to go into details in this case; that has been done over and over again for you by your attorneys.

I — merely stating how I have felt and always have felt about your conviction. As part of the prosecution at the time, we had to go through with and make the best of the evidence at hand at the time. The evidence at the trial of Murl Hudson certainly shattered the conclusions drawn from the evidence produced at your trial. I trust that you get an early release.

Yours very truly,

(Signed) C. W. Slifer.

I, Harry Pyle, being of lawful age do swear on oath that the above letter is a true and complete copy of the original that I have in my possession, and Mr. C. W. Slifer was prosecuting Attorney at that time, of my trial and conviction.

Harry Pyle.

Subscribed and sworn to before me this 6 day of March, A. D. 1941. R. D. Payne, Notary Public.  
My commission expires Apr. 18, A. D. 1941.

[fol. 27] IN DISTRICT COURT OF STAFFORD COUNTY

THE STATE OF KANSAS, Plaintiff,

vs.

HARRY PYLE

INFORMATION—Filed April 23, 1935

STATE OF KANSAS,  
Stafford County, ss:

I, The Undersigned, County Attorney of said County, in the name, by the authority, and on behalf of the State of Kansas, give information, that on or about the 23rd day of December Harry Pyle then and there being, did then and there unlawfully, feloniously, purposely, willfully, deliberately, premeditatedly, and with malice aforethought and in the perpetration, and in the attempt to perpetrate robbery, make a deadly ass-ulet upon one August Reiter, and kill and murder the said August Reiter, a human being,

with a dangerous weapon, towit: by shooting him, the said August Reiter, with a certain pistol commonly called a revolver, then ~~adn~~ there loaded with powder and leaden bullets, h-w the said Harry Pyle, unlawfully, feloniously, purposely, willfully, deliberately, premeditatedly, and with malice aforethought, and in the perpetration, and in the attempt to perpetrate a robbery, did then and there, discharge at, against and upon the said August Reiter, the said revolver, thereby striking the said August Reiter, with said leaden bullets and giving to and inflicting in and upon the body of the said August Reiter, a certain serious and dangerous, deadly and mortal wound, of which wound the said August Reiter died.

Contrary to the form of the statute in such cases made and provided and against the peace and dignity of the State of Kansas.

#### COUNT TWO

I, the undersigned, county attorney of said County, in the name, by the authority, and on behalf of the State of Kansas, give information that on or about the 23rd day of December, 1934, in the County of Stafford, and State of Kansas, one Harry Pyle, then there being, did then and there unlawfully, feloniously, willfully, and intentionally take from one August Reiter, and Otto Reiter, U. S. Government Bonds of the value of \$24000. more definite description cannot be given of said property, the same being the property of and belonging to the said August Reiter, and Otto Reiter; and the said Harry Pyle, did then *then* and there, willfully, feloniously, unlawfully, and intentionally take said property from the said August and the said Otto Reiter, in their presence, and against their will, and by violence to their persons, and by putting them in fear of some immediate injury to their persons, and at the point of a revolver, had and held in the hands of the said Harry Pyle; said revolver then and there being loaded with powder and leaden bullets.

Contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Kansas.

C. W. Slifer, County Attorney.

[fol. 28] STATE OF KANSAS,  
Stafford County, ss:

I do solemnly swear, that the allegations set forth in the within information are true, to the best of my knowledge and belief. So help me God.

C. W. Slifer.

Subscribed and sworn to before me this 23rd day of April A. D. 1935. Gertrude Bartle, Clerk District Court. (Seal.)

Endorsements: "No. 7834. Information. The State of Kansas, Plaintiff, vs. Harry Pyle, Defendant. Filed April 23rd, 1935. Gertrude Bartel, Clerk of the District Court. Witnesses: Reuben W. Welch, Jay Stambaugh, Lacy Cunningham, Roy Riley, Elmer Huff, Pauline Hurd, John Schriener, Otto Reiter, Rev. J. J. Butler, Dr. Luke Butler, Clayton Richardson, Jerry Wilson, Truman Reynolds. (Information Record 3, Page 210.) H. A. Spurgeon, Adolph Ohrvall."

[fol. 29] IN THE DISTRICT COURT OF STAFFORD COUNTY,  
KANSAS

No. 7834

THE STATE OF KANSAS, Plaintiff,

VS.

HARRY PYLE, Defendant

#### JOURNAL ENTRY

Now, on this 7th day of May, 1935, being a day of the regular May 1935 term of said court, the above entitled action came duly and regularly on for hearing on the call of the docket, the state represented by the county attorney, C. W. Slifer, and by Robert Gravin, associated counsel, the defendant present in court in person together with his attorney, Don Shaffer. Thereupon, the trial was set by agreement for May 16, 1935, the same being a day of the regular May 1935 term of said court and afterwards and on May 16, 1935, defendant being present in court in person, together with his said attorney, and the state repre-



sented by the county attorney and associate counsel, Robert Gravin, William Davison, D. H. Donnelly and Arthur R. Gates, the state was given leave to endorse names of witnesses on the Information. Thereupon, arraignment was waived and a plea of not guilty entered, after both sides had announced themselves ready for trial, and thereupon a jury of twelve good and lawful men was duly empanelled and sworn to try the case, and the court empanelled two extra jurors under the provisions of the statute in such case made and provided, and thereupon the court at the request of the defendant did exclude the witnesses from the court room, and the witnesses were sworn by the clerk of this court, and the jury was sworn by the clerk, and thereupon Robert Gravin, associate counsel stated the case for the state, and the bailiff was sworn, and the witnesses were sworn, and the state introduced its evidence, and thereupon the court took a recess until May 17, 1935, and afterwards and on May 17, 1935, being a day of the regular May 1935 term of this court, further evidence was introduced, the defendant at all times being present in court with his said attorney and the state represented by the county attorney and associate counsel, and thereupon the court took a recess until May 18, 1935, the defendant being present in court together with his said attorney, and the state represented by the county attorney and associate counsel, and the state rested its case at 11:00 a. m. on May 18, 1935, and thereupon the defendant by his attorney stated his case and offered his evidence and rested, and both sides rested at 2:00 p. m., and thereupon the court duly instructed the jury in writing as to the law of the case no instructions being requested by either side, and the case was argued by both sides and afterwards and on May 18, 1935, at the conclusion of the argument and at 7:15 p. m. the jury did, retire in charge of a sworn bailiff to consider of their verdict, and afterwards on May 20, 1935, at 11:00 a. m. instruction No. 49 was given to the jury and afterwards on May 20, 1935, at 9:30 p. m. of said day, the jury did return into court with their verdict in writing as to each count in person, finding the defendant guilty of murder in the first degree and also guilty of robbery in the first degree, and the verdict under the first count of the Information being as follows, to wit:



IN THE DISTRICT COURT, TWENTIETH JUDICIAL DISTRICT

"THE STATE OF KANSAS,  
Stafford County, ss:

THE STATE OF KANSAS, Plaintiff,

vs.

HARRY PYLE, Defendant

VERDICT ON FIRST COUNT

We, the jury Empanelled and Sworn in the above entitled case do upon our oaths find the defendant guilty of murder in the first degree as charged in the first count of the Information.

E. E. Gard, Foreman."

And the verdict of the jury under the second count of the Information being in words and figures as follows, to wit:

[fol. 30] IN THE DISTRICT COURT, TWENTIETH JUDICIAL DISTRICT

"THE STATE OF KANSAS,  
Stafford County, ss:

THE STATE OF KANSAS, Plaintiff,

vs.

HARRY PYLE, Defendant

VERDICT ON SECOND COUNT

We, the jury Empanelled and Sworn in the above entitled Case do upon our oaths find the defendant guilty of robbery as charged in the second count of the Information.

E. E. Gard, Foreman."

and the verdict of the jury was received in open court and ordered filed, and neither side desiring the jury polled the jury was discharged from further consideration of this case, and the defendant was remanded to the sheriff.

Now, on this 13th day of June, 1935, being a day of the regular May 1935, term of said court, the above entitled

action again came on to be heard on the motion for a new trial filed by said defendant, the state represented by the county attorney, C. W. Slifer, and Robert Gravin, D. H. Donnelly, Arthur R. Gates, and William Davison, associated counsel, and the defendant, Harry Pyle, present in court, together with his attorney, Don Shaffer. Thereupon, the motion for new trial was taken up, argued by both sides, and the court having heard the argument and having heard the testimony and being fully advised in the premises, denies said motion for a new trial and does approve the verdict of the jury; and thereupon, the court having overruled the motion for a new trial and having approved the verdict of the jury, the court did ask the defendant to stand and receive the judgment and sentence of the court, and the defendant so standing was informed of the verdict of the jury and asked whether he had any legal cause to show why the judgment and sentence of the court should not be pronounced against him, and the defendant giving no reason the court gave judgment and sentence as follows, to wit:

#### SENTENCE

It is the judgment and sentence of the court, that the defendant under his conviction of the crime of murder in the first degree, as charged in the first count of the Information, be taken from this Court room by the sheriff of Stafford county, Kansas, to the jail of Stafford county, Kansas, and from thence be transported to the Kansas State Penitentiary, located at Lansing, in Leavenworth county, Kansas, and delivered to the Warden, and the defendant, under his conviction of murder in the first degree, be punished by confinement and hard labor in the penitentiary of the state of Kansas for life.

It is the further order, judgment and sentence of the court that the defendant, under his conviction of robbery in the first degree, as charged in the second count of the Information, be taken from this court room by the sheriff of Stafford county, Kansas, to the jail of Stafford County, Kansas, and from thence be transported to the Kansas State Penitentiary located at Lansing, In Leavenworth county, Kansas and delivered to the Warden, and that the defendant serve a term in the Kansas State Penitentiary at hard labor under the indeterminate sentence law for

the crime of robbery in the first degree for a period of not less than ten years nor more than twenty-one years and until discharged according to law.

[fol. 31] Thereupon, the defendant made application to the court for a stay bond, under the provisions of R. S. 62-1710, and the court did order that execution of the judgment and sentence be stayed after the service of a lawful notice of appeal and upon the appellant giving bond in the sum of twenty-five thousand (\$25,000.) dollars, said bond to be approved by the trial court or the judge thereof, as provided by statute, said bond being conditioned that the defendant shall prosecute his appeal without unnecessary delay and abide the mandat-, order and judgment of the supreme court made in said action or any lawful order made by the district court, and will surrender himself to the sheriff if ordered to do so.

Ray H. Beals, Judge of the District Court of Stafford County, Kansas.

Attest: Gertrude Bartle, Clerk of the District Court of Stafford County, Kansas.

Filed in my office June 13, 1935. Gertrude Bartle, Clerk of the District Court, Stafford County, Kansas. Journal 21, Page 45.

[fol. 32] IN DISTRICT COURT OF STAFFORD COUNTY

THE STATE OF KANSAS, Plaintiff,

vs.

HARRY PYLE, Defendant

C. W. Slifer, Robert Gravin, Attorneys for Plaintiff.

Arthur H. Snyder, Don Shaffer, Attorneys for Defendant.

#### JUDGE'S TRIAL DOCKET

Action for Murder—robbery.

Filing Date Feb. 13, 1935.

Date.

Action of Judge.

May 16. Leave given State to endorse names of witnesses on information. Arraignment waived plea of

not guilty entered.—Challenges S o D O.  
 Court empanels 14 jurors—court at request of  
 deft. excludes witnesses.  
 Witnesses sworn by Clerk. Jury sworn by  
 Clerk.—  
 Case stated by Att. for State. Bailiff sworn.  
 Witnesses sworn—evidence introduced.

1935.

May 17. Further evidence introduced—All parties present.

Further evidence introduced—All parties present. State rests at 11 A. M. Defendant offers evidence. Both sides rest at 2:00 P. M. Court instructs the jury—No instructions being requested by either side. Case argued—Co. Atty. Slifer opens argument at 2:35 P. M. to 3:15 P. M. Don Shaffer starts argument at 3:17 P. M. concluded at 5:10 P. M. Robt. Garvin commences at 5:15 P. M. Garvin concluded argument at 6 P. M.

May 18. 11 A. M. Instruction No. 49 given the jury.

May 20. 5 P. M. Jury called into court. 9:30 P. M. Jury return verdict of guilty of murder in 1st degree also guilty of robbery.

1935.

June 13. Motion for new trial. Argued. Denied. Sentenced to Kansas State Penitentiary for life for murder in 1st degree and for not less than ten (10) years nor more than 21 years for crime Robbery 1st degree. Staty Bond \$25,000.

1936.

June 5. Mandat- Supreme Court ordered spread of record. Judgment and sentence of District Court affirmed by Supreme Court.

[fol. 33] IN THE DISTRICT COURT OF STAFFORD COUNTY,  
KANSAS

Record of Trial

Case No. 7834

JURY DOCKET

THE STATE OF KANSAS

VS.

HARRY PYLE

Trial by Jury. Case reached for trial May 16th, 1935

Jurors' Names:

1. Paul Barstow.
2. F. O. Stone.
3. Joe Dale.
4. Everett Bowden.
5. E. E. Gard.
6. P. O. Smith.
7. J. L. Cooper.
8. Ralph Newell.
9. Daniel Meschberger.
10. J. E. Nelson.
11. P. H. McCarty.
12. Harry Graebner.

Extra Jurors qualified: Ray Neill and Arthur Beck.

Witnesses for Plaintiff, 5/16, 1935: John Schriner, Mr. C. W. Slifer read testimony — Otto Reiter, John Swader read the testimony of Otto Reiter; Reuben W. Welch, Walter Mellies, Mildred Flair, August Willinger. May 17, 1935: Lacy Cunningham, M. H. Williams, Bobbie Wilson, Mrs. Wm. H. Wilson, Wm. H. Wilson, Mrs. David Redinger, David Redinger, Kenneth Sherman, Mrs. Kenneth Sherman, Dell Gossett, A. P. Keeling, A. C. Keith, Elmer Huff, Mrs. Harry Hibbs, Truman Reynolds, A. P. Leeling, recalled; T. G. Shushy, H. A. Spurgeon, Roy Riley, Jerome Wilson, Jay Stambaugh.

May 18, 1935: John Robinson, Dell Gossett, re-called; Jerome Wilson, Recalled; Dell Gossett, recalled; Ruben W. Welch, recalled; Jay Stambaugh.

Witnesses for Defendant: Sam Kaplan, Reuben W. Welch, Elmer Huff, Mrs. Elmer Huff, Elmer Huff, recalled; Roy E. Hohnson, Tony Welsch, Lucy J. Steele, C. W. Siifer, Mrs. B. P. Richardson, Mrs. Roy Riley, Lucy J. Steele, recalled.

In the District Court, Twentieth Judicial District

THE STATE OF KANSAS, Plaintiff,

vs.

HARRY PYLE, Defendant

Verdict

THE STATE OF KANSAS,  
Stafford County, ss:

We, the jury empanelled and sworn in the above entitled Case do upon our oaths find the defendant guilty of murder in the first degree as charged in the first count of the Information.

E. E. Gard, For-man.

Filed May 20, 1935.

In the District Court, 20th Judicial District

THE STATE OF KANSAS, Plaintiff,

vs.

HARRY PYLE, Defendant

Verdict

THE STATE OF KANSAS,  
Stafford County, ss:

We, the Jury impaneled and sworn in the above entitled case, do upon our oaths find the defendant guilty of robbery as Charged in the second count of the Information.

E. E. Gard, Foreman.

Filed May 20, 1935.



[fol. 34] **THE STATE OF KANSAS,**  
**Twentieth Judicial District,**  
**Stafford County, ss: v v**

I, Gertrude Bartle, Clerk of the District Court of the Twentieth Judicial District of the State of Kansas, sitting within and for the County aforesaid, do hereby certify the above and foregoing to be a true, full and complete copy of Information; Journal Entry: Page from Judge's Trial Docket; and Page 18 of Jury Docket; in case No. 7834, entitled: The State of Kansas, Plaintiff, vs. Harry Pyle, Defendant. In the therein entitled cause as the same remain on file and of record in my office.

Witness my hand and seal of said court, affixed at my office in St. John, Kansas, this 29th day of October, 1940.

(Signed) Gertrude Bartle, Clerk of the District Court, of Stafford County, Kansas. (Seal.)

[fol. 35] **IN THE SUPREME COURT OF THE STATE OF KANSAS**  
**No. 35,496**

**In Re: HARRY PYLE, Petitioner,**

**v.**

**M. F. AMRINE, Warden of the Kansas State Penitentiary,**  
**Respondent**

**ORDER DENYING PETITION FOR HABEAS CORPUS—December**  
**11, 1941**

Now comes the petitioner, Harry Pyle, and presents a verified petition for the issuance of a writ of habeas corpus herein and thereupon, it is ordered by the court, that said petition be filed and docketed without costs, and thereupon, after due consideration by the court, it is ordered that said petition for writ of habeas corpus be denied and that this proceeding be dismissed at the cost of the petitioner, taxed at \$—, and hereof let execution issue.

[fol. 36] **IN THE SUPREME COURT OF KANSAS**

**[Title omitted]**

**MOTION TO HEAR—Filed December 15, 1941**

Comes now, Harry Pyle, your petitioner and moves the Court to hear the above intitled cause that pertinent issues

be fully decided as shown in the premise of entitled cause. That the said cause was dismissed without a lawful hearing on the premise on the 11th of Dec., 1941, after being considered, denied and dismissed, setting forth no lawful reason or decision for the dismissal.

Therefore: your movant hereby moves the said court to hear the said intitled cause that the petitioner may be relieved of his unlawful restraint and restored to his liberty.

Harry Pyle, Movant.

[fol. 37] IN THE SUPREME COURT OF THE STATE OF KANSAS

[Title omitted]

ORDER DENYING PETITION FOR REHEARING—February 4, 1942

Now comes on for decision the motion of the petitioner for a rehearing of this cause and thereupon, after due consideration by the court, it is ordered that said motion be denied.

[fol. 38] IN THE SUPREME COURT OF KANSAS

[Title omitted]

MOTION TO STAY JUDGMENT—Filed February 9, 1942

Comes now, the petitioner of the above entitled cause and moves the above styled court to stay the Judgment of the above mentioned cause, in that the petitioner of the above mentioned cause is proceeding to the United States Supreme Court by Writ of Certiorari for review of errors by the Kansas Supreme Court.

Respectfully submitted, Harry Pyle, Petitioner,  
Pro Se.

[fol. 39] IN THE SUPREME COURT OF THE STATE OF KANSAS

[Title omitted]

ORDER DENYING STAY OF EXECUTION—March 13, 1942

Now comes on for decision the motion of the petitioner for an order staying the execution of the judgment of this court herein and thereupon, after due consideration by the court, it is ordered that said motion be denied.

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[fol. 40] Clerk's Certificate to foregoing transcript omitted in printing.

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[fol. 41] SUPREME COURT OF THE UNITED STATES

[Title omitted]

ORDER ALLOWING CERTIORARI—Filed April 27, 1942

The petition herein for a writ of certiorari to the Supreme Court of the State of Kansas is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

(1987)